



## ***CLOSED CASE SUMMARY***

ISSUED DATE: NOVEMBER 29, 2021

FROM: DIRECTOR ANDREW MYERBERG  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0320

### **Allegations of Misconduct & Director's Findings**

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained (Training Referral)
# 2	5.001 – Standards and Duties 11. Employees Will Be Truthful and Complete in All Communication	Not Sustained (Inconclusive)

***This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.***

### **EXECUTIVE SUMMARY:**

It was alleged that the Named Employee engaged in dishonest, unprofessional, and retaliatory conduct against co-workers.

### **SUMMARY OF INVESTIGATION:**

Named Employee #1 (NE#1), a Parking Enforcement Officer (PEO), was the subject of a complaint filed against her by a number of her co-workers. Those co-workers, who are also PEOs, alleged that NE#1 engaged in improper conduct, including dishonesty, retaliation, and unprofessionalism, when NE#1 filed another OPA complaint against them. In that prior complaint – 2021OPA-0219 – NE#1 alleged that the co-workers engaged in ongoing unprofessional acts towards her, including talking behind her back, harassing her, and creating a hostile work environment. OPA evaluated these claims and uncovered no misconduct on the co-workers' part.

In that prior investigation, OPA determined that NE#1 had filed a number of other complaints not just with OPA, but also with the Seattle Department of Human Resources and SPD's Equal Employment Opportunity office. In many of those complaints, she later withdrew her allegations. Based on its investigation, OPA believed it possible that the series of complaints indicated a pattern of paranoia on NE#1's part and showed that she appeared to be under a significant amount of stress and unhappiness at work and may have been compensating by filing complaints.

OPA interviewed NE#1 as part of this investigation. She told OPA that she wanted to meet with one of her supervisors to discuss some of her concerns, but he was not available. She subsequently documented those concerns in a letter and left it for the supervisor. In that letter, she asked him if there was anything he could do to help her with her various concerns regarding her co-workers. However, the supervisor ultimately interpreted the letter as a complaint, and it made its way to OPA. NE#1 said that this was not her intent, as she wanted the situation to be handled internally and



not through an OPA investigation. NE#1 recognized that her allegations were better dealt with in that manner. NE#1 denied that the contents of her letter and this investigation were dishonest. She explained that it was her perception at the time, and she believed it to be accurate.

**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 - Allegation #1**

***5.001 – Standards and Duties 10. Employees Shall Strive to be Professional***

SPD Policy 5.001-POL-10 requires that SPD employees “strive to be professional at all times.” The policy further instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers.” (SPD Policy 5.001-POL-10.)

OPA believes that filing numerous complaints against co-workers and withdrawing most is not an appropriate or healthy way to handle workplace conflict. There are numerous other available non-investigatory means for dealing with such issues and NE#1 should have sought those out prior to filing complaints.

However, several factors inform OPA that discipline is not the appropriate result for this case. First, NE#1 appears to be dealing with both paranoia and stress. Instead of discipline, OPA encourages her supervisors to support her through providing her with resources and for NE#1 to take advantage of those resources. Second, OPA does not want to chill NE#1 or other employees from filing complaints when appropriate – even multiple complaints if warranted. This is the case even though OPA finds NE#1’s behavior here excessive. This being said, OPA puts NE#1 on notice that any similar behavior to this moving forward will result in an investigation and the likely imposition of discipline. Accordingly, OPA recommends that this allegation be Not Sustained and issues the below Training Referral.

- **Training Referral:** NE#1’s supervisors should meet with her to determine what the underlying causes are of her multiple complaints and to determine what resources, if any, would assist her. Her chain of command should inform her that such resources or other alternative dispute resolution mechanisms within the city are the appropriate means to deal with workplace conflict and that any future abuse of the complaint system will no longer be tolerated and may result in discipline.

Recommended Finding: **Not Sustained (Training Referral)**

**Named Employee #1 - Allegation #2**

***5.001 – Standards and Duties 11. Employees Will Be Truthful and Complete in All Communication***

SPD Policy 5.001-POL-11 requires Department employees to be truthful and complete in all communications.

While OPA believes NE#1’s repeated filing of complaints to be unnecessary and inappropriate, OPA cannot say that the contents of her letter were knowingly false. Indeed, from OPA’s review of NE#1’s interview, it appears that she legitimately believes that she has been wronged, even if those feelings are not supported by the evidence. Ultimately,



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for these reasons, OPA cannot meet its burden to prove dishonesty on NE#1's part and, instead, recommends that this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained (Inconclusive)**